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UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS

In re application of:

Satoru TOMARU *et al.*

Application No. 09/272,303

Confirmation No. 5475

Filed: March 19, 1999

For: METHOD FOR PRODUCING A MULTI-MODE OPTICAL WAVEGUIDE

Art Unit: 1756

Examiner: Mr. Martin J. Angebranndt

Atty. Docket No: 32307-147486

Customer No:
26694

PATENT TRADEMARK OFFICE

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**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT:
(PTO DATE [OCTOBER 29, 2003] STAMPED WAS NOT
ACKNOWLEDGED IN PAPER NO.19 AND/OR PAPER TO REVIVE
WITH REQUEST FOR REIMBURSEMENT OF REVIVAL FEE)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On October 29, 2003 a paper was hand delivered to the U.S. PTO entitled:

**HAND-DELIVERY OF SEPTEMBER 26, 2003 AMENDMENT (WITH
PETITION FOR EXTENSION OF TIME – PLUS FEE); DECLARATION;
AND REQUEST FOR CONTINUED EXAMINATION OF AUGUST 19, 2003**

That hand delivery included a fee and petition for extension and submitted to the U.S.

PTO, for a second time, the AMENDMENT OF September 26. Copies of the PTO date
stamped receipt of the September and October filings are attached to this paper.

12/08/2003 AWONDAF1 00000104 09272303

01 FC:1801
02 FC:1051
03 FC:1252
04 FC:9998

770.00 OP
130.00 OP
420.00 OP
10.00 OP

12/08/2003 AWONDAF1 00000120 220261 09272303

01 FC:1801 770.00 OP
02 FC:1051 130.00 OP
03 FC:1252 20.00 DA 400.00 OP

The following facts were reported in the October 29 paper:

"Th[e] paper is being submitted in response to the initial phone call of Ms. Kathy Sias (703/308-6058) to Mr. Michael Sartori on October 21, 2003, relating to the subject application.

FACTS:

A Request For Continued Examination (RCE) was filed in this case on August 19, 2003 (with a request for a two-month suspension of action). Subsequently, on September 26, 2003, an Amendment (also with a two-month extension and applicable fee) was filed. As presently understood AT THE TIME OF THE OCTOBER FILING, the September 26, 2003 papers have not yet reached the Patent and Trademark Office's file for this case.

Accordingly, enclosed are copies of the Patent and Trademark Office date-stamped transmittal sheet, indicating receipt of the \$410 fee, the Amendment, and request for extension of time.

If appropriate, the Examiner is requested to consider the Request For Continued Examination (RCE) filed on August 19, 2003. Reconsideration of the outstanding Office Action and an early allowance of the application are respectfully solicited." [October 29 paper by applicants]"

The REQUISITE FEE is enclosed; however, under the circumstances, applicants will seek refund under Rule 26.

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REMARKS

Reconsideration is respectfully solicited.

The September 26 paper [an AMENDMENT] was filed two months ago in the Patent Office. The Paper was refiled on October 29. At that time the parent application was still pending.

Moreover, at that time ---when the applicants' SEPTEMBER 26 AND OCTOBER 29 AMENDMENTS WERE FILED---the fee for an RCE had been filed. Accordingly, either as of SEPTEMBER 26 or no later than OCTOBER 29, the requirements of Rule 114 had been satisfied.

Applicants respectfully request withdrawal of the holding of abandonment.

Respectfully submitted,



Dated: December 4, 2003

Marina V. Schneller
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Washington, D.C. 20043-9998
Telephone : (202) 344-4000
Direct Dial : (202) 344-4062
Telefax : (202) 344-8300

116079

Venable Filing Number

Attorney: A: MVS/SJB
PTO Due Date: N/A
Date Filed: OCTOBER 28, 2003
TM Official Gazette Date: N/A

Atty. Docket No: 32307-147486
Re: METHOD FOR PRODUCING A MULTI-MODE OPTICAL WAVEGUIDE - Satoru TOMARU et al.
Application No: 09/272,303
Patent No.:

Appl'n Filing Date: MARCH 19, 1999
Issue Date:
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The following items were received from Venable, Washington, D.C., by the U.S. Patent & Trademark Office:

U.S. PTO FEES ENCLOSED

- ☐ Transmittal Letter
- ☐ Fee Transmittal Letter
- ☐ New U.S. Utility Application (pages of specification/claims)
- ☐ Submission Of Formal Drawings (Sheets, Figs.)
- ☐ Invention Declaration
- ☐ U.S. National Stage Application of PCT Application
- ☐ Translation of International Application
- ☐ New U.S. TM Application (specimens)
- ☐ Rule 53(d) Continued Prosecution Application
- ☐ Substitute Specification
- ☐ Rule 53(b) Continuation or Divisional Application (*attach copy of specification, claims, drawings & declaration*)
- ☐ Priority Document-Cert. Copy of Appln.#: ; Country
- ☐ Date Filed:
- ☐ Request for Continued Examination (RCE) under 37 CFR 1.114
- ☐ Request for Reconsideration
- ☐ Application Data Sheet
- ☐ Assignment w/Cover Sheet
- ☐ IDS w/ PTO SB/08 a/k/a PTO Form-1449

**HAND-DELIVERY OF SEPTEMBER 26, 2003 AMENDMENT (WITH PETITION FOR EXTENSION OF TIME - PLUSE FEE);
DECLARATION; AND REQUEST FOR CONTINUED EXAMINATION OF AUGUST 19, 2003**

- ☐ Amendment/☐ Preliminary Amendment
- ☐ Petition For Extension Of Time
- ☐ Notice of Appeal
- ☐ Appeal Brief (*in triplicate*)
- ☐ Reply Brief (*in triplicate*) / ☐ Request for Oral Hearing
- ☐ Confirmation of Hearing Petition
- ☐ Issue Fee Transmittal
- ☐ Certificate of Correction
- ☐ Maintenance Fee Transmittal
- ☐ Power of Attorney
- ☐ Response to Notice to File Missing Parts
- ☐ Response to Notice to File Missing Requirements
- ☐ Response to Restriction Requirement
- ☐ Petition to Revive
- ☐ Sequence Listing - CDR Enclosed? ☐ Yes ☐ No
- ☐ Status Inquiry
- ☐ Request for Non-Publication
- ☐ Request to Rescind Non-Publication Request
- ☐ Terminal Disclaimer
- ☐ Notice of Opposition (*Please list all documents in Other section*)
- ☐ Amendment to Alleged Use

- ☐ Filing Fee
- ☐ Surcharge Fee
- ☐ Additional Claim Fee
- ☐ Recordation/Indexing Fee
- ☐ IDS Fee
- ☐ Extension Fee
- ☐ Notice of Appeal Fee
- ☐ Brief on Appeal Fee
- ☐ Oral Hearing Request Fee
- ☐ Petition Fee
- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Maintenance Fee
- ☐ TM Statement of Use
- ☐ 8 Affidavit Fee
- ☐ 8 and 15 Affidavit
- ☐ TM Renewal Application Fee
- ☐ Notice of Opposition Fee
- ☐ TM Extension of Time Fee

-NONE- Total Fees Paid

Check Number Attached
Charge Deposit Account N . 22-0261*
☐ Yes ☐ N

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UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Satoru TOMARU *et al.*

Application No. 09/272,303

Confirmation No. 5475

Filed: March 19, 1999

For: METHOD FOR PRODUCING A MULTI-MODE OPTICAL WAVEGUIDE

Art Unit: 1756

Examiner: Mr. Martin J. Angebranndt

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HAND-DELIVERY OF SEPTEMBER 26, 2003 AMENDMENT (WITH PETITION FOR EXTENSION OF TIME – PLUS FEE); DECLARATION; AND REQUEST FOR CONTINUED EXAMINATION OF AUGUST 19, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being submitted in response to the initial phone call of Ms. Kathy Sias (703/308-6058) to Mr. Michael Sartori on October 21, 2003, relating to the subject application.

A Request For Continued Examination (RCE) was filed in this case on August 19, 2003 (with a request for a two-month suspension of action). Subsequently, on September 26, 2003, an Amendment (also with a two-month extension and applicable fee) was filed. As presently understood, the September 26, 2003 papers have not yet reached the Patent and Trademark Office's file for this case.


Application No. 10/415,827
Applicants: Jaya Sivaswami TYAGI *et al.*

Accordingly, enclosed are copies of the Patent and Trademark Office date-stamped transmittal sheet, indicating receipt of the \$410 fee, the Amendment, and request for extension of time.

If appropriate, the Examiner is requested to consider the Request For Continued Examination (RCE) filed on August 19, 2003. Reconsideration of the outstanding Office Action and an early allowance of the application are respectfully solicited.

Respectfully submitted,

Dated: October 29, 2003


Marina V. Schneller
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Direct Dial : (202) 344-4062
Telefax : (202) 344-8300

MVS/SJB
#495097

114840

Venable Filing Number

Attorney/LAA

MVS:MAS/SJB

PTO Due

AUGUST 19, 2003

Date:

Date Filed:

AUGUST 19, 2003

TM Official
Gazette Date :

N/A

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OFFICE OF PETITIONS

Atty. Docket No: 32307-147486 (MVS)
Re: METHOD FOR PRODUCING A MULTI-MODE
OPTICAL WAVEGUIDE - Satoru TOMARU et al.
Application No: 09/272,303
Patent No.:
Trademark:

Filing Date: March 19, 1999
Issue Date:
Trademark
Reg. No:

The following items were received from Venable, Washington, D.C., by the U.S. Patent & Trademark Office:

U.S. PTO FEES ENCLOSED

\$ 750.00 Filing Fee
\$ 130.00 Surcharge Fee
Additional Claim Fee
Recordation/Indexing Fee
IDS Fee
Extension Fee
Notice of Appeal Fee
Brief on Appeal Fee
Oral Hearing Request Fee
Petition Fee
Issue Fee
Publication Fee
Maintenance Fee
TM Statement of Use
8 Affidavit Fee
8 and 15 Affidavit
TM Renewal Application Fee
Notice of Opposition Fee
TM Extension of Time Fee
\$ 880.00 Total Fees Paid

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- ☐ Transmittal Letter
☒ **FEE TRANSMITTAL LETTER**
☐ New U.S. Utility Application (pages of specification/claims)
☐ Formal Drawings (sheets, Figs.)
☐ Invention Declaration
☐ U.S. National Stage Application of PCT Application
☐ Translation of International Application
☐ New U.S. TM Application (specimens)
☐ Rule 53(d) Continued Prosecution Application
☐ Substitute Specification
☐ Rule 53(b) Continuation or Divisional Application (attach copy of specification, claims, drawings & declaration)
☐ Priority Document-Cert. Copy of Appln.#: ; Country
☐ Date Filed:
REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER 37 CFR 1.114 (including a request to suspend action for 2 months)
☒ Request for Reconsideration
☐ Application Data Sheet
☐ Assignment w/Cover Sheet
☐ IDS w/ PTO SB/08 a/k/a PTO Form-1449 (References)
☐ Response
☐ Amendment ☐ Preliminary Amendment
☐ Petition/Request for Extension of Time (one mo. ext.)
☐ Notice of Appeal
☐ Appeal Brief (in triplicate)
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☐ Confirmation of Hearing Petition
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☐ Petition to Revive
☐ Sequence Listing - CDR Enclosed? ☐ Yes ☐ No
☐ Status Inquiry
☐ Request for Non-Publication
☐ Request to Rescind Non-Publication Request
☐ Terminal Disclaimer
☐ Notice of Opposition (Please list all documents in Other section)
☐ Amendment to Alleged Use

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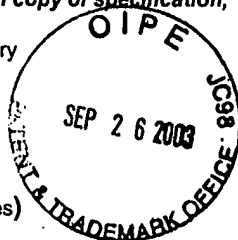
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Charge Deposit Account Number 22-0261*
☐ Yes ☐ No

115459Venable Filing
Numberney/LAA: ~~WVS/SJB~~
PTO Due Date: **SEPTEMBER 26, 2003**
Date Filed: **SEPTEMBER 26, 2003**TM Official
Gazette Date: **N/A**Atty. Docket No: **32307-147486 (MVS)**
Re: **METHOD FOR PRODUCING A MULTI-MODE
OPTICAL WAVEGUIDE - Satoru TOMARU et al.**Application No: **09/272,303**Filing Date: **MARCH 19, 1999**

The following items were received from Venable, Washington, D.C., by the U.S. Patent & Trademark Office:

U.S. PTO FEES ENCLOSED

- ☐ Transmittal Letter
- ☐ Fee Transmittal Letter
- ☐ New U.S. Utility Application (pages of specification/claims)
- ☐ Formal Drawings (sheets, Figs.)
- ☒ **DECLARATION UNDER 37 C.F.R. § 1.132**
- ☐ U.S. National Stage Application of PCT Application
- ☐ Translation of International Application
- ☐ New U.S. TM Application (specimens)
- ☐ Rule 53(d) Continued Prosecution Application
- ☐ Substitute Specification
- ☐ Rule 53(b) Continuation or Divisional Application (*attach copy of specification, claims, drawings & declaration*)
- ☐ Priority Document-Cert. Copy of Appln.#: ; Country
- ☐ Date Filed:
- ☐ RCE
- ☐ Request for Reconsideration
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- ☐ IDS w/ PTO SB/08 a/k/a PTO Form-1449 (References)
- ☐ Response
- ☒ **AMENDMENT**
- ☒ **PETITION/REQUEST FOR EXTENSION OF TIME (Two-Months)**
- ☐ Notice of Appeal
- ☐ Appeal Brief (*in triplicate*)
- ☐ ☐ Reply Brief (*in triplicate*)/ ☐ Request for Oral Hearing
- ☐ Confirmation of Hearing Petition
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- ☐ Notice of Opposition (*Please list all documents in Other section*)
- ☐ Amendment to Alleged Use



_____	Filing Fee
_____	Surcharge Fee
_____	Additional Claim Fee
_____	Recordation/Indexing Fee
_____	IDS Fee
\$410.00	Extension Fee (2-months)
_____	Notice of Appeal Fee
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_____	Oral Hearing Request Fee
_____	Petition Fee
_____	Issue Fee
_____	Publication Fee
_____	Maintenance Fee
_____	TM Statement of Use
_____	8 Affidavit Fee
_____	8 and 15 Affidavit
_____	TM Renewal Application Fee
_____	Notice of Opposition Fee
_____	TM Extension of Time Fee
\$410.00	Total Fees Paid

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UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/272,303	03/19/1999	SATORU TOMARU	32307-147486	5475

26694 7590 11/21/2003

VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

ANGEBRANDT, MARTIN J

ART UNIT PAPER NUMBER

1756

DATE MAILED: 11/21/2003

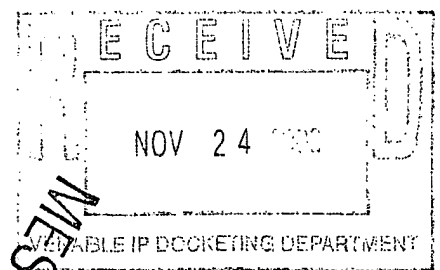


Please find below and/or attached an Office communication concerning this application or proceeding.

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CU: 12/21 1/7/04
DKTED BY: hah/cuh





Commissioner for Patents
United States Patent and Trademark Office

Washington, D.C. 20231
www.uspto.gov

APPLICATION NUMBER FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE



DATE MAILED:

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TC 1700

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 8/19/03 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Cathy Sias, Examining Group 1736

(703) 308-16058

FORM PTO-2051 (Rev. 3/2001)